

PUBLIC NOTICE

PERMIT APPLICATION: NRS 06.122

APPLICANT: City of Portland
100 South Russell Street
Portland, Tennessee 37148
615-325-6776

LOCATION: Caney Fork and West Fork Drakes Creek, Sumner County, Latitude
36.5948 Longitude -86.4558

WATERSHED DESCRIPTION: The proposed project is on Caney Fork Creek, a tributary to West Fork Drakes Creek. The watershed is mixed agricultural and forested with some residential development. Caney for Creek has been determined to be high quality, Tier II, waters. At present, the stream fully supports all classified uses. The division has determined that the project as proposed would result in degradation of water quality in Caney Fork Creek and in downstream reaches of Caney Fork and West Fork Drakes Creek.

PROJECT DESCRIPTION: The City of Portland proposes to construct an earthen fill and concrete dam on Caney Fork Creek approximately 750 feet upstream of the confluence with West Fork Drakes Creek to provide for public water supply needs. The normal pool area would be approximately 160 acres and would result in the conversion of about 9,000 feet of Caney Fork Creek to reservoir. The reservoir would be used to augment flow in West Fork Drakes Creek at the present withdrawal point for the City's water treatment plant to allow average daily withdrawal of up to 3.9 million gallons per day (MGD) and a peak daily demand of 6.0 MGD. The City proposes to not suppress instream flow in West Fork Drakes Creek below two times the measured lowest flow for a seven consecutive days in a ten-year period (2X7Q10), or 1.8 MGD.

USGS TOPOGRAPHIC QUADRANGLE: Fountain Head

PERMIT COORDINATOR: Dan Eagar

The purpose of this notice is to inform interested parties of this permit application and to advise interested parties that the division has determined that the proposed degradation of high quality, Tier 2 waters is not justified as described in the following *Notice of Determination of Social or Economic Necessity*. Pursuant to that finding, the division has tentatively determined to deny the permit. Persons wishing to comment on the project proposal are invited to submit written comments to the department. Written comments must be received within **thirty days of the date that this notice is posted**. Comments will become part of the record and will be considered in the final decision. The applicant's name and permit number should be referenced.

Interested persons may also request in writing that the department hold a public hearing on this application. The request must be filed within the comment period, indicate the interest of the person requesting it, the reasons that the hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the department will hold a public hearing.

The permit application, supporting documentation including detailed plans and maps, and related comments are available at the department's address for review and/or copying. The department's address is:

Tennessee Department of Environment & Conservation
Division of Water Pollution Control, Natural Resources Section
7th Floor L & C Annex
401 Church Street
Nashville, TN 37243

In deciding whether to issue or deny a permit, the department will consider all comments on record and the requirements of applicable federal and state laws.

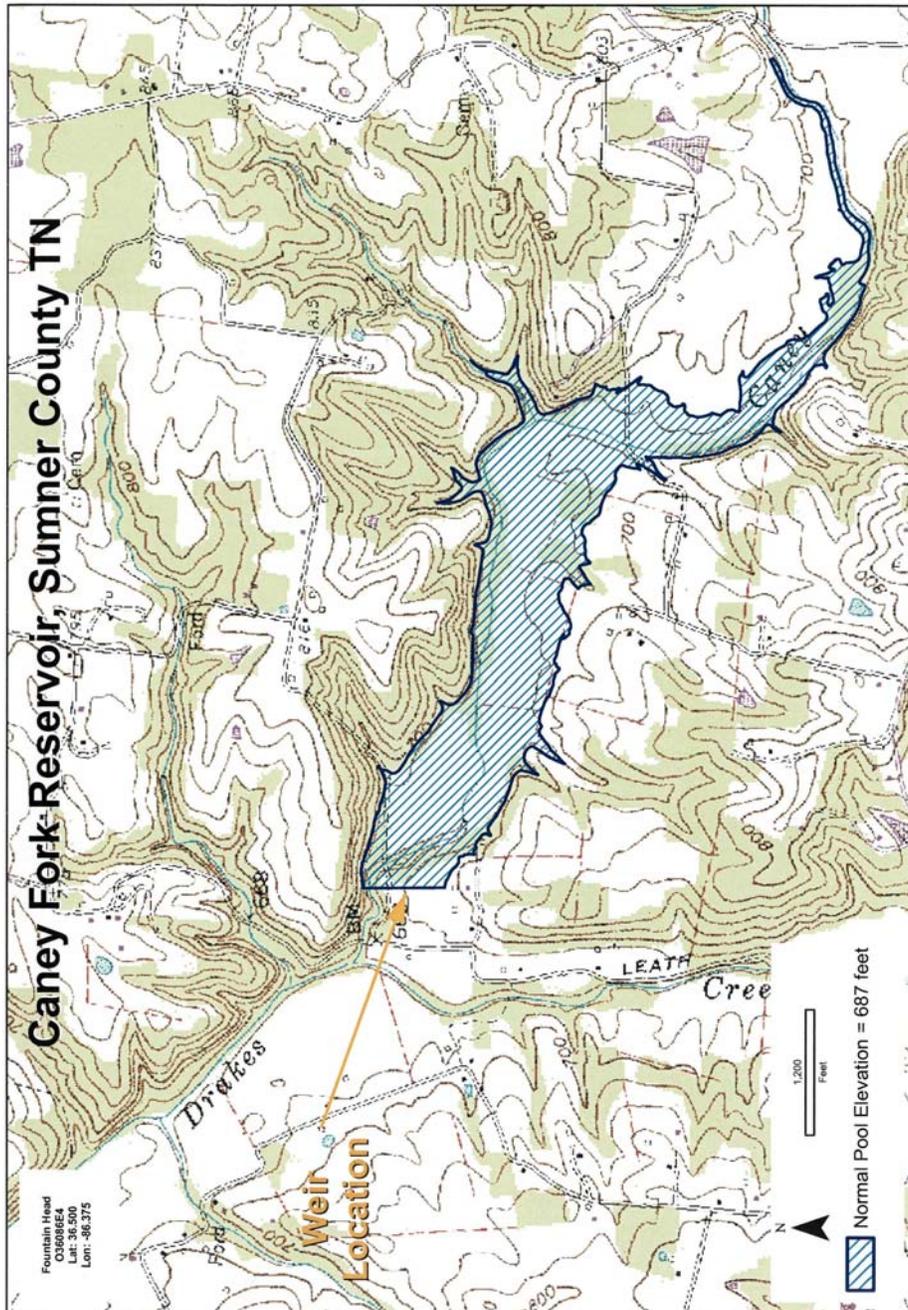


Figure 1: Topographic map with proposed reservoir



**Notice of Determination of Economic or Social Necessity
City of Portland Water Supply Reservoir and Water Withdrawal Project
Aquatic Resource Alteration Permit Number NRS 06.122**

September 4, 2007

This Notice presents the determination of the Tennessee Department of Environment and Conservation (department), Division of Water Pollution Control (division), on the justification of degradation of high quality tier 2 waters on the basis of economic or social necessity proposed by the City of Portland for improvements to their public water supply system.

Under the *Tennessee Antidegradation Statement*, where reasonable alternatives to degradation to a high quality tier 2 stream are not feasible, an applicant may ask the department to determine that the proposed degradation is justified on the basis of economic or social necessity. The applicant has the burden of establishing to the department that a change is justifiable as a result of necessary economic or social development and will not interfere with or become injurious to any classified uses existing in such waters. The department's determination that degradation is justified or unjustified shall be subject to review by the Water Quality Control Board.

The City of Portland proposes to construct an earthen fill and concrete dam on Caney Fork Creek approximately 750 feet upstream of the confluence with West Fork Drakes Creek to provide for public water supply needs. The normal pool area would be approximately 160 acres and would result in the conversion of about 9,000 feet of Caney Fork Creek to reservoir. The reservoir would be used to augment flow in West Fork Drakes Creek at the present withdrawal point for the City's water treatment plant to allow average daily withdrawal of up to 3.9 million gallons per day (MGD) and a peak daily demand of 6.0 MGD. The City proposes to not suppress instream flow in West Fork Drakes Creek below two times the measured lowest flow for a seven consecutive days in a ten-year period (2X7Q10), or 1.8 MGD.

The division has determined that Caney Fork Creek is a high quality tier 2 stream and that the proposed alterations would result in degradation of water quality. The conversion of 9,000 feet of free-flowing stream into a reservoir would directly convert and degrade the stream habitat, and the physical and chemical changes that would occur within the reservoir would result in waters of lower quality being released to downstream reaches of Caney Fork and West Fork Drakes Creeks. In accordance with Rule 1200-4-3-.06(3)(a) the applicant has provided information evaluating the social and economic benefits, practicability and environmental impacts of the proposed activity and various project alternatives.

After reviewing this information along with information submitted as a part of the public participation process, the division has determined that the proposed lowering of water quality is not justified as a result of necessary economic or social development. This determination is based on our belief that there are practicable alternatives available to the City of Portland for long-range improvement of their public water supply that would not result in degradation of high quality waters. Because of this finding, the division has also tentatively determined to deny the permit application.

Within 30 days after the date of this notification, the applicant, any affected intergovernmental coordination agency, or affected third person may challenge the determination that the proposed lowering of water quality is not justified by petitioning the Tennessee Water Quality Control Board for a declaratory order under Tennessee Code Annotated § 4-5-223, and the Board shall convene a contested case. If a declaratory order petition is timely filed, the department shall not proceed further in processing the permit application until the petition has been resolved before the Board. Interested persons are also invited to comment on the proposed permit denial.


Paul E. Davis, P.E., Director
Division of Water Pollution Control

5 Sept. 2007
Date